IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTY SECOND DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

-

WRIT PETITION NO : 4874 of 1994

Between:

B.Narayanachari, S/o.B.Krishnamachari,

Aged about 40 years, Working as Conductor,

in A.P.S.R.T.C., Madanapalli, Chittoor District.

..... PETITIONER

AND

1. The Chairman, Industrial Tribunal-cum-

Labour Court, Anantapur, Anantapur District.

(2) The Depot Manager, A.P.S.R.T.C. Madanapalli,

Chittoor District.

(W.P. is dismissed against R.2 for default, vide Court Order

dt.4.8.99)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, order or direction, more particularly one in the nature of writ of mandamus call for the records relating to I.D.No.231 of 1990 on the file of Labour Court, Anantapur and set aside award dt.7.5.1991 in it and to declare the same as illegal and null and void in so far as the denial of back wages and imposing the punishment of not to give any promotion for a period of 5 years and not to draw any increments for the said 5 years and consequently to direct the 2nd respondent to

pay full back-wages from the date of removal from service i.e. 19.5.1990 and till date of reinstatement i.e. 28.8.1991 and pay all increments and give promotion for which he is eligible.

Counsel for the Petitioner: MR.G.DASARADHA RAMI REDDY

Counsel for the Respondent No.1: G.P. FOR LABOUR.

The Court made the following:

O R D E R:

The Writ Petition is filed challenging the Award dated 07-05-1991 passed by the Industrial Tribunal-cum-Labour Court, Anantapur in I.D.No.231 of 1990 to the extent it went against the interest of the petitioner.

2. The petitioner was appointed as a conductor in the year 1984. As he was involved in cash and ticket irregularities, he was issued with a charge sheet. Thereafter, enquiry was conducted and ultimately he was removed from service by an order dated 19-05-1990 vide proceedings No.01/62(15)/90-MPL. Against the said order of punishment, he raised an industrial dispute in I.D.No.231 of 1990 before the Industrial Tribunal-cum-Labour Court, Anantapur. The learned Tribunal after considering the material available on record passed an Award on 07-05-1991 setting aside the order of removal and directed reinstatement of the petitioner with continuity of service but without back-wages. Further, the Tribunal also directed that the petitioner should not be given promotion for five years and that he is also not entitled for increments for the said period. To the extent of denying promotion for five years and also deferment of increments for five years, the present Writ Petition has been filed.

3. The learned Counsel for the petitioner submits that the order of the Tribunal, postponing the promotion and the increments, is illegal and the same suffers with error apparent on the face of the record.

4. I am afraid, the said contention cannot be accepted. The Tribunal, after holding that the termination was not justified, moulded the relief. In that process, the Tribunal while reinstating the petitioner without back-wages directed that his case for promotion should be considered after five years, till such time he should not be granted increments. Such an Award cannot be said to be without jurisdiction. The power is vested with the Tribunal under Section 11-A of the Industrial Tribunal Act, 1947 and I do not find any jurisdictional error in it.

5. The Writ Petition is accordingly dismissed. No costs.

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G.BIKSHAPATHY,J.

Dated: 22-07-2004

gs/ghn

To

1. The Chairman, Industrial Tribunal-cum-
   Labour Court, Anantapur, Anantapur District.
2. The Depot Manager, A.P.S.R.T.C. Madanapalli,
   Chittoor District.

3. 2CCs to G.P. for Labour, High Court Buildings, Hyderabad.(OUT)

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